

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

UNITED STATES OF AMERICA

V.

CRIMINAL ACTION NO. 2:16-CR-3-KS-MTP

**KENNETH E. FAIRLEY, SR.
and ARTIE FLETCHER**

ORDER

This matter is before the Court on the Motion to Dismiss Money Laundering Counts (Courts Four through Seven) (“Motion to Dismiss”) [55] filed by Defendant Kenneth E. Fairley, Sr., on August 31, 2016. The Amended Trial Order [31] in this case set the dispositive motion deadline for June 2, 2016. The trial date in the Amended Trial Order [31] was set for June 13, 2016. On June 7, 2016, the Court granted a continue of the trial date until September 6, 2016. The dispositive motion deadline remained as June 2, 2016.

Even if the Court were to consider this deadline vacated by the continuance in this case, which it does not, Federal Rule of Criminal Procedure 47(c) states that a written motion must be served at least seven (7) days before trial, which would have made the motion due on August 30, 2016. By all reckoning, then, the Motion to Dismiss [55] is untimely. Because Defendant has not shown good cause as to why his untimely motion should be considered by the Court, it will be **denied**.

IT IS THEREFORE ORDERED AND ADJUDGED that Defendant Fairley’s Motion to Dismiss [55] is **denied** as untimely.

SO ORDERED AND ADJUDGED this the 31st day of August, 2016.

s/Keith Starrett
UNITED STATES DISTRICT JUDGE